

attorney general, may file suit to enforce the subpoena in a district court in this state. On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena. The court may punish a person who fails to obey the court order.

(d) All information and materials subpoenaed or compiled in connection with an investigation described by Subsection (a) are confidential and not subject to disclosure under Chapter 552, Government Code.

(e) Except as provided by a protective order, and notwithstanding Subsection (d), all information and materials subpoenaed or compiled in connection with an investigation described by Subsection (a) may be used in a disciplinary proceeding against an educator based on an alleged incident of misconduct.

SECTION 14. As soon as practicable after the effective date of this Act, the governor shall appoint as a nonvoting member of the State Board for Educator Certification a person who has experience working for and knowledge of an alternative educator preparation program and who is not affiliated with an institution of higher education, as required by Section 21.033(a), Education Code, as amended by this Act.

SECTION 15. Not later than January 1, 2016, the State Board for Educator Certification shall develop criteria for evaluation of educator preparation programs based on teacher retention and success as required by Section 21.045(b)(5), Education Code, as added by this Act. The State Board for Educator Certification shall consult with the Texas Higher Education Coordinating Board and educator preparation programs in developing the criteria. The Texas Higher Education Coordinating Board shall participate and provide recommendations regarding the criteria.

SECTION 16. This Act takes effect September 1, 2015.

Passed by the House on May 15, 2015: Yeas 126, Nays 5, 1 present, not voting; the House refused to concur in Senate amendments to H.B. No. 2205 on May 29, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 2205 on May 31, 2015: Yeas 125, Nays 16, 2 present, not voting; passed by the Senate, with amendments, on May 26, 2015: Yeas 28, Nays 3; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 2205 on May 31, 2015: Yeas 19, Nays 12.

Approved June 18, 2015.

Effective September 1, 2015.

TRANSFER OF THE OVERSIGHT OF THE TEXAS STATE CEMETERY TO THE STATE PRESERVATION BOARD AND TO THE CREATION OF THE STATE CEMETERY PRESERVATION TRUST FUND

CHAPTER 932

H.B. No. 2206

AN ACT

relating to the transfer of the oversight of the Texas State Cemetery to the State Preservation Board and to the creation of the State Cemetery preservation trust fund.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 2165.007(b), Government Code, is amended to read as follows:

(b) Notwithstanding any other law, the commission shall provide facilities management services in relation to all state agency facilities in Travis County or a county adjacent to Travis County. The commission's duty does not apply to:

- (1) a facility owned or operated by an institution of higher education;
- (2) military facilities;
- (3) facilities owned or operated by the Texas Department of Criminal Justice;
- (4) facilities owned or operated by the Texas Juvenile Justice Department;
- (5) facilities owned or operated by the Texas Department of Transportation;
- (6) the Capitol, including the Capitol Extension, the General Land Office building, the Bob Bullock Texas State History Museum, any museum located on the Capitol grounds, the Governor's Mansion, and any property maintained by the Texas Historical Commission under Sections 442.0072 and 442.0073;
- (7) a facility determined by the commission to be completely residential;
- (8) a regional or field office of a state agency;
- (9) a facility located within or on state park property;
- (10) the property known as the Finance Commission Building described by deed recorded in Volume 5080, Page 1099, of the Deed Records of Travis County, Texas;
- (11) the property known as the Credit Union Department Building described by deed recorded in Volume 6126, Page 27, of the Deed Records of Travis County, Texas;
- (12) facilities owned or operated by the Texas School for the Blind and Visually Impaired; ~~or~~
- (13) facilities owned or operated by the Texas School for the Deaf; or
- (14) *the property known as the Texas State Cemetery described as 17.376 acres located at 801 Comal, Lot 5, Division B, City of Austin, Travis County, Texas.*

SECTION 2. Section 2165.256, Government Code, is amended by amending Subsections (a), (e), (i), and (m) and adding Subsection (a-1) to read as follows:

(a) *In this section:*

- (1) *"Board" means the State Preservation Board.*
- (2) *"Committee" means the State Cemetery Committee.*

(a-1) The board, in cooperation with the committee, shall govern and provide oversight, adopt rules and policies, and provide for the operation of the State Cemetery [State Cemetery Committee shall oversee all operations of the State Cemetery. The committee shall develop a budget for the operations of the commission relating to the State Cemetery and determine the salary of employees of the commission whose duties primarily relate to the operation of the State Cemetery].

(e) The committee shall review *the names of state officials presented to the committee for consideration under Subsection (d)(3), in proclamations under Subsection (d)(4), and in resolutions under Subsection (d)(5). A person whose name is presented to the committee or who is specified in a proclamation or resolution is eligible for burial in the State Cemetery only if the committee, following its review, finds that the person specified made a significant contribution to Texas history and only if, based on that finding, the committee approves the person's burial in the cemetery. The committee may by order authorize a burial under Subsection (d)(6) only if the committee finds that the person made a significant contribution to Texas history, which may include a person who served this state through public administration or governmental service.*

(i) *The board, in collaboration with the committee, shall adopt rules regulating the monuments erected in the State Cemetery.*

(m) The committee shall consider for burial in the State Cemetery persons who have made significant contributions to Texas history and culture in the following fields: air and space, agriculture, art and design, business and labor, city building, education, *governmental service*, industry, justice, military affairs, law enforcement, oil and gas, performing arts, philanthropy, *public administration*, ranching, religion, science and medicine, sports, and writing.

SECTION 3. Section 2165.2561, Government Code, is amended by amending Subsections (a), (c), (g), (m), (p), (q), and (r) and adding Subsection (a-1) to read as follows:

(a) *In this section:*

(1) "Board" means the State Preservation Board.

(2) "Committee" means the State Cemetery Committee.

(a-1) The committee [~~State Cemetery Committee~~] is composed of:

(1) three voting members appointed as follows:

(A) one member of the general public appointed by the governor;

(B) one member of the general public appointed by the governor from a list submitted by the lieutenant governor; and

(C) one member of the general public appointed by the governor from a list submitted by the speaker of the house of representatives; and

(2) three nonvoting advisory members appointed as follows:

(A) one employee of the Texas Historical Commission appointed by the executive director of the Texas Historical Commission;

(B) one employee of the board [~~Texas Building and Procurement Commission~~] appointed by the executive director of the board [~~Texas Building and Procurement Commission~~]; and

(C) one employee of the Parks and Wildlife Department appointed by the executive director of the Parks and Wildlife Department.

(c) The voting members of the committee [~~appointed by the governor~~] are appointed for staggered terms of six years with one member's term expiring February 1 of each odd-numbered year. The advisory members of the committee serve at the will of the appointing authority.

(g) A person is not eligible for appointment to the committee under Subsection (a-1)(1) [~~by the governor~~] if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the committee;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving funds from the committee; or

(3) uses or receives a substantial amount of tangible goods, services, or funds from the committee, other than compensation or reimbursement authorized by law for committee membership, attendance, or expenses.

(m) The board, in collaboration with the committee, may adopt rules as necessary for the administration of the State Cemetery.

(p) If the executive director of the board [~~commission~~] has knowledge that a potential ground for removal from the committee exists, the executive director shall notify the presiding officer of the committee of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the committee, who shall then notify the governor and the attorney general that a potential ground for removal exists.

(q) The executive director of the board [~~commission~~] or the executive director's designee shall provide to members of the committee, as often as necessary, information regarding the requirements for office under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers.

(r) A person who is appointed to and qualifies for office as a member of the committee may not vote, deliberate, or be counted as a member in attendance at a meeting of the committee until the person completes a training program that complies with this subsection. The training program must provide the person with information regarding:

(1) the legislation that created the State Cemetery and the committee [~~State Cemetery Committee~~];

- (2) the programs operated by the committee;
- (3) the role and functions of the committee;
- (4) the rules of the committee, with an emphasis on any rules that relate to disciplinary and investigatory authority;
- (5) ~~the current budget for the committee;~~
- ~~[(6)]~~ the results of the most recent formal audit of cemetery operations;
- (6) ~~[(7)]~~ the requirements of:
 - (A) the open meetings law, Chapter 551;
 - (B) the public information law, Chapter 552;
 - (C) the administrative procedure law, Chapter 2001; and
 - (D) other laws relating to public officials, including conflict-of-interest laws; and
- (7) ~~[(8)]~~ any applicable ethics policies adopted by the board ~~[commission]~~, the committee, or the Texas Ethics Commission.

SECTION 4. Subchapter F, Chapter 2165, Government Code, is amended by adding Section 2165.2565 to read as follows:

Sec. 2165.2565. STATE CEMETERY PRESERVATION TRUST FUND. (a) The State Cemetery preservation trust fund is created as a trust fund outside the state treasury to be held with the comptroller in trust. The State Preservation Board, in consultation with the State Cemetery Committee, shall administer the fund as trustee on behalf of the people of this state. The fund consists of money:

- (1) transferred or appropriated to the fund; and*
- (2) received by the State Cemetery Committee under Section 2165.256(s) and deposited to the fund by the State Preservation Board for the committee.*
- (b) The interest received from investment of money in the fund shall be credited to the fund.*
- (c) Money in the fund may be used only to:*
 - (1) maintain, renovate, make major repairs or capital improvements to, or preserve the State Cemetery, as determined by the State Preservation Board; or*
 - (2) acquire land in close proximity to the State Cemetery for expansion of the cemetery.*

SECTION 5. The following provisions of the Government Code are repealed:

- (1) Sections 2165.256(b), (b-1), and (r); and
- (2) Sections 2165.2561(k), (l), and (t).

SECTION 6. (a) On the effective date of this Act:

- (1) an employee of the Texas Facilities Commission who was performing duties exclusively related to the Texas State Cemetery becomes an employee of the State Preservation Board;
 - (2) all money, contracts, leases, rights, and obligations of the Texas Facilities Commission related to the Texas State Cemetery are transferred to the State Preservation Board;
 - (3) all property, including records, in the custody of the Texas Facilities Commission related to the Texas State Cemetery becomes the property of the State Preservation Board; and
 - (4) all funds appropriated by the legislature to the Texas Facilities Commission related to the Texas State Cemetery are transferred to the State Preservation Board and may be disbursed to the State Cemetery Committee as provided by this Act.
- (b) A rule adopted by the State Cemetery Committee or the Texas Facilities Commission related to the Texas State Cemetery before the effective date of this Act is continued in effect as a rule of the State Preservation Board until amended or repealed by the board.

(c) A function or activity performed by the Texas Facilities Commission related to the Texas State Cemetery is transferred to the State Preservation Board as provided by this Act.

(d) As soon as practicable after the effective date of this Act, the State Preservation Board shall appoint a nonvoting advisory member to the State Cemetery Committee as required by Section 2165.2561(a-1)(2), Government Code, as amended by this Act.

SECTION 7. Notwithstanding Section 222.002, Transportation Code, or any other law, as soon as practicable after the sale of property that is the subject of Section 2165.256(b-1), Government Code, as that section existed immediately before the effective date of this Act, the comptroller of public accounts shall transfer from the state highway fund to the State Cemetery preservation trust fund, as created by this Act, an amount of money equal to the portion of the proceeds attributable to the sale of that property that is required to be deposited by the Texas Department of Transportation in a subaccount in the state highway fund for use by the State Preservation Board for the State Cemetery Committee under the terms of a memorandum of understanding entered into between the department and the State Cemetery Committee.

SECTION 8. To the extent of any conflict, this Act controls over another Act of the 84th Legislature, Regular Session, 2015, that is enacted and becomes law, relating to the creation of the State Cemetery preservation trust fund.

SECTION 9. This Act takes effect September 1, 2015.

Passed by the House on May 15, 2015: Yeas 139, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 2206 on May 30, 2015: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 26, 2015: Yeas 31, Nays 0.

Approved June 18, 2015.

Effective September 1, 2015.

**PAYMENT OF RESTITUTION TO CERTAIN INDIVIDUALS
DEPICTED IN CHILD PORNOGRAPHY AND TO INCREASING
THE PUNISHMENT FOR CERTAIN INDIVIDUALS
CONVICTED OF THE OFFENSE OF POSSESSION OR
PROMOTION OF CHILD PORNOGRAPHY**

CHAPTER 933

H.B. No. 2291

AN ACT

relating to the payment of restitution to certain individuals depicted in child pornography and to increasing the punishment for certain individuals convicted of the offense of possession or promotion of child pornography.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 42.037, Code of Criminal Procedure, is amended by adding Subsection (r) to read as follows:

(r) The court may order a defendant convicted of an offense under Section 43.26, Penal Code, to make restitution to an individual who as a child younger than 18 years of age was depicted in the visual material, in an amount equal to the expenses incurred by the individual as a result of the offense, including:

- (1) medical services relating to physical, psychiatric, or psychological care;*
- (2) physical and occupational therapy or rehabilitation;*
- (3) necessary transportation, temporary housing, and child care expenses;*
- (4) lost income; and*